

REMARKS

Claims 1-22 are pending in the application. Claims 1 and 3 are independent, and claims 21 and 22 have been added since the mailing of the outstanding final Office Action. In view of the above amendments and following remarks, reconsideration and withdrawal of the rejections is respectfully requested.

Applicants appreciate the Examiner's acknowledgement that the formal drawings filed on August 20, 2004 have been accepted by the Examiner.

CLAIM AMENDMENTS

By the present Amendment, Applicants submit that independent claims 1 and 3 have been amended to recite "a biodegradable expanded molded article molded in a specified shape and having an irregular surface; and a coating film attached to the irregular surface of the biodegradable expanded molded article." Additionally, new claims 21 and 22 have been added, and each recites that the irregular surface "includes bumps and dips." Applicants submit that the proper support for these amendments and the newly added claims can be found at least on page 72, line 18 through page 73, line 1 of the specification, as originally filed. Thus, Applicants submit the amendments and new claims do not introduce any new matter.

PRIOR ART REJECTIONS

Claims 1, 3, 6 and 14 stand rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Doane et al. (hereinafter 'Doane'), U.S. Patent No. 5,861,216; claims 7 and 15 stand rejected under 35 U.S.C. §103(a) as obvious over

Doane in view of Bradt, U.S. Patent No. 5,888,599; claims 1, 3, 8-12 and 16-20 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Ando et al. (hereinafter 'Ando'), U.S. Patent No. 5,639,518; claims 4, 5 and 13 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ando in view of Shogren et al. (hereinafter 'Shogren'), U.S. Patent No. 6,146,573; claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ando in view of Altieri, U.S. Patent No. 5,153,037. Applicants respectfully traverse these rejections in view of the following remarks.

A. Independent Claim 1

Applicants submit that independent claim 1 recites "a biodegradable expanded molded article molded in a specified shape and having an irregular surface; and a coating film attached to the irregular surface of the biodegradable expanded molded article." Applicants submit that the above-noted features of amended independent claim 1 are not taught or fairly suggested by the prior art cited by the Examiner.

Ando

Referring to Example 18 and FIG. 8, Ando teaches that a material 23 to be molded is prepared by placing a sheet of material 21 (formed of sweet potato starch, sorbitol and water) and soybean protein sheets 22 (having water and moisture resistant properties) one upon another. Then, the material 23 is "...placed in the mold M1, and dielectrically heated..." Ando, col. 28, lines 5-8.

Ando further teaches that a "...compression laminating method was used as a method for laminating a tray-like molded article with sheets having water and moisture resistant properties." Ando, col. 28, lines 50-52. Thus, according to the teachings of Ando, applied pressure is used to laminate the sheets 21 and 22.

Applicants submit that Ando fails to teach or fairly suggest that the sheets 21 and 22 are heated to, or laminated at, a predetermined temperature. Because the sheets 21 and 22 are laminated to the tray-like article by pressure application without being softened by heating to a temperature at or above their softening points, the article produced according to Ando has a smooth boundary between the sheets 21 and 22 and the tray-like article.

Applicants submit that, because the molded articles produced according to the teachings of Ando have a smooth boundary between the sheets 21 and 22, Ando does not teach or fairly suggest "a biodegradable expanded molded article molded in a specified shape and having an irregular surface; and a coating film attached to the irregular surface of the biodegradable expanded molded article" as recited by claim 1.

Doane

Doane discloses an article having a self-supporting structure made of a mixture of a starch and polyvinyl alcohol in expanded form. Doane teaches that a moisture resistant hydroxyl-functional polyester is provided on the surface of the self-supporting structure. Doane, Abstract.

Applicants submit that the article in Doane is obtained by adhering a polyester film to a starch and blended film, which has been formed into a film shape in advance. For example,

Applicants direct the Examiner's attention to Example 6 of Doane which states that "...BIS Adipic was (adhered to) a starch and PVOH blend film..." Doane, col. 13, lines 10-15. Thus, Doane fails to teach or fairly suggest that the article is prepared by concurrently performing a steam expansion molding operation on the starch and an adhesion operation wherein the coating film is adhered to the surface of the expanded molded article. Thus, the boundary surface between the film sheet and the expanded article is smooth.

Applicants submit that, because the boundary surface between the film sheet and the expanded article is smooth, Doane fails to teach or fairly suggest "a biodegradable expanded molded article molded in a specified shape and having an irregular surface; and a coating film attached to the irregular surface of the biodegradable expanded molded article" as recited by claim 1.

Bradt, Shogren, and Altieri

Applicants submit that Bradt, Shogren, and Altieri fail to teach or fairly suggest "a biodegradable expanded molded article molded in a specified shape and having an irregular surface; and a coating film attached to the irregular surface of the biodegradable expanded molded article" as recited by claim 1. Thus, these references fail to cure the deficiencies of Ado and Doane with respect to independent claim 1.

Therefore, Applicants respectfully request withdrawal of the rejections of claim 1, and also request withdrawal of the rejections of claims 2, 6-12, and 21, at least by virtue of their dependency upon claim 1.

B. Independent Claim 3

Amended independent claim 3 recites “a biodegradable expanded molded article molded in a specified shape and having an irregular surface; and a coating film attached to the irregular surface of the biodegradable expanded molded article.” Accordingly, Applicants respectfully submit independent claim 3 and its dependent claims 4, 5, 13-20 and 22 are patentable for reasons similar to those discussed above with respect to independent claim 1.

DOUBLE PATENTING REJECTION – APPLICATION ‘130

Claims 1, 6, 7, 11 and 12 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 4, 5, 13-16 and 18 of copending U.S. Application No. 10/505,130. Applicants respectfully traverse this rejection.

Applicants submit that the claims of U.S. Application No. 10/505,130 do not correspond to “a biodegradable expanded molded article molded in a specified shape and having an irregular surface; and a coating film attached to the irregular surface of the biodegradable expanded molded article” as recited by claim 1.

Furthermore, Applicants respectfully note that Applicants are not required to provide arguments regarding the merits of the claims and/or claim amendments until either the present application or U.S. Application No. 10/505,130 issues into a patent.

CONCLUSION


Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Donald J. Daley, Reg. No. 34,313 at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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